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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23644 7590 03/22/2010 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER TRAN, THIEN S	
			ART UNIT 3742	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Office Action Summary	Application No.		Applicant(s)	
	10/521,613		BUNN, ARTHUR H.	
	Examiner		Art Unit	
	THIEN TRAN		3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/18/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 1, line 1 recites "for use with a beverage server" which appears in the preamble of the claim is not a positive system limitation;
4. line 3 recites "the beverage server" was not positively claimed as part of the system because it does not appear in the body of the claim and adding "the beverage server" to line 3 does not correct the problem;
5. line 8 recites "at least one of a beverage retained in the server" is indefinite because only one option is recited.
6. Regarding claim 2, line 2 recites the limitation "active heating device". The examiner considers the term "active" to be indefinite because it is an idiomatic expression. Does "active" mean that the heating device is energized or does it mean the heating device is working properly. Appropriate correction is required.
7. Regarding claim 3, line 1 recites "the server" which appears in the preamble of claim 1 is not a positive system limitation.
8. Regarding claim 6, line 3 recites the limitation "and at least partially extending into the cavity of the reservoir". There is insufficient antecedent basis for this limitation

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in the claim. It is suggested to amend the claim by defining "and at least partially extending into the cavity of the reservoir" earlier in the claim or in the respective independent claim 1.

9. Regarding claims 4 and 7, line 2 recites the limitation "active heating device".

The examiner considers the term "active" to be indefinite because it is an idiomatic expression. Does "active" mean that the heating device is energized or does it mean the heating device is working properly. Appropriate correction is required.

10. Regarding claims 13 and 15, lines 1-2 recites "in combination with a beverage maker" is not positive system limitation because it does appears in the preamble of the claim and not in the body of the claim.

11. Regarding claim 14, lines 1-2 recites "in combination with a remote dispensing station" is not positive system limitation because it does appears in the preamble of the claim and not in the body of the claim. The examiner further considers the term "remote" to be indefinite. Does remote mean a separate location or does remote mean able to be controlled by a remote control? Appropriate correction is required.

12. Regarding claim 16, lines 4 & 5 recites "a beverage dispenser" which should be changed to "the beverage dispenser" because it was earlier recited on line 3.

13. lines 12-13 recite "a predetermined period of time". The term "predetermined" is a relative term which renders the claim indefinite. The term "predetermined" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

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14. Regarding claims 17, line 3 recites "a beverage" which should be changed to "the beverage dispenser" because it was earlier recited in claim 16.

15. Regarding claim 18, lines 3-4 recite "a predetermined temperature". The term "predetermined" is a relative term which renders the claim indefinite. The term "predetermined" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

16. Regarding claim 19, line 3 recites "a beverage" which should be changed to "the beverage dispenser" because it was earlier recited in claim 16.

17. line 3 recites "for at least a portion of time". The term "for at least a portion of time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

18. Regarding claim 24, line 4 recites "a maker" which should be changed to "the maker" because it was earlier recited on line 3

19. line 8 recites "a dispenser" which should be changed to "the dispenser" because it was earlier recited on line 4.

20. Regarding claim 26, line 1 recites "a remote dispensing station" which should be changed to "the remote dispensing station" because it was earlier recited in claim 24.

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21. line 2 recites "a remote dispensing location". The examiner considers the term "remote" to be indefinite. Does remote mean a separate location or does remote mean able to be controlled by a remote control? Appropriate correction is required.

22. Regarding claims 30-32, lines 2-3 recites "generally non-insulated server". The term "generally" is a relative term which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

23. Regarding claims 5, 11, 12, 20-29 and 33-36, these claims are also rejected because they are dependent on claims 1, 16 and 24.

Claim Rejections - 35 USC § 102

24. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

25. Claims 1-3, 11, 13, 15, 16, 24, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US Patent 5,549,035).

26. Regarding claim 1, Chung teaches a temperature control system for use with a beverage server (Abstract, Lines 1-7), the temperature control system comprising: a heater (Fig 1, Items 14, Col 2, Lines 34-41) for providing heat to the beverage server (Fig 1, Item 13, Col 2, Lines 34-41); a controller (Fig 2, Item 100, Col 2, Lines 61-63)

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including a microprocessor (Fig 2, Item 100, Col 3, Lines 30-31, microprocessor) for controlling the temperature (Fig 1, Item 17, Col 3, Lines 1-5) of the beverage (Col 2, Lines 34-41, coffee) in the beverage server; the heater (Fig 1, Items 14 & 17, Col 2, Lines 34-41) being coupled to the controller (Fig 2, Item 100, Col 3, Lines 1-5); and a temperature sensor (Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) and a timer (Col 4, Lines 22-24) coupled to the controller for use in controlling the temperature of at least one of a beverage retained in the server (Col 4, Lines 25-34, set time of 30 seconds is used).

27. Regarding claim 2, Chung teaches further comprising the heater being an active heating device (Fig 1, Items 14, Col 2, Lines 34-41). Examiner interprets that the heater of Chung is an active heating device because it receives energy and transfers the energy to the beverage through the reservoir as disclosed by the applicant on page 8, lines 8-12 of the specification.

28. Regarding claim 3, Chung teaches further comprising the server (Abstract, Lines 1-7) including a housing (Fig 1, Item 10, Col 2, Line 34-41) defining a chamber and a reservoir defining a cavity (Fig 1, Item 11, Col 2, Lines 34-41), the reservoir being retained in the chamber (Fig 1, Item 11, Col 2, Lines 34-41) of the server housing (Fig 1, Item 10, Col 2, Line 34-41).

29. Regarding claim 11, Chung teaches further comprising programming temperature control information (Col 3, Lines 1-20) into the controller (Fig 2, Item 100, Col 3, Lines 1-5).

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30. Regarding claim 13, Chung teaches the temperature control system in combination with a beverage maker (Fig 1, Col 2, Lines 34-41), the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) being carried on the beverage maker (Fig 1, Col 2, Lines 34-41) for controlling temperature (Fig 1, Item 17, Col 3, Lines 1-5 & Abstract, Lines 1-7) of liquid (Col 2, Lines 34-41, coffee) dispensed by the beverage maker into the beverage server (Fig 1, Item 13, Col 2, Lines 34-41).

31. Regarding claim 15, Chung teaches the temperature control system in combination with a beverage server (Fig 1, Col 2, Lines 34-41), the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) being carried on the server (Fig 1, Col 2, Lines 34-41) for controlling temperature (Fig 1, Item 17, Col 3, Lines 1-5 & Abstract, Lines 1-7) of beverages (Col 2, Lines 34-41, coffee) retained in the server (Fig 1, Item 13, Col 2, Lines 34-41).

32. Regarding claim 16, Chung teaches a method of controlling the temperature of a beverage in a beverage dispenser (Abstract, Lines 1-7), the method comprising the steps of providing a beverage dispenser (Fig 1, Col 2, Lines 34-41); providing a heater (Fig 1, Items 14, Col 2, Lines 34-41) associated with a beverage dispenser (Fig 1, Col 2, Lines 34-41); providing a temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) coupled to the heater (Fig 1, Items 14 & 17, Col 2, Lines 34-41) associated with a beverage dispenser (Fig 1, Col 2, Lines 34-41) for controllably providing heat (Abstract,

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Lines 1-7) to beverage (Col 2, Lines 34-41, coffee) contained in the beverage dispenser (Fig 1, Col 2, Lines 34-41); operating the temperature control system to activate and deactivate the heater (Fig 1, Item 14, Col 4, Lines 23-34) for controllably providing heat to the beverage (Fig 4, Col 4, Lines 25-34) retained in the dispenser (Fig 1, Col 2, Lines 34-41); dispensing beverage into the beverage dispenser (Col 2, Lines 42-48); controlling at least one of the following temperature characteristics in the temperature control system, preheating (Col 1, Lines 43-47) a surface (Fig 2, Item 22, Col 2, Lines 52-55) of the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) which contacts the liquid retained therein, maintaining heating of the heater for a predetermined period of time (Col 2, Lines 1-12, keep warm feature), alternately activating and deactivating the heater over a predetermined period of time (Col 1, Lines 43-47).

33. Regarding claim 24, Chung teaches a beverage system for making, retaining, dispensing and controllably heating a beverage produced by and retained in the system (Abstract, Lines 1-7) the beverage system comprising: a beverage maker (Fig 1, Col 2, Lines 34-41); a beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) operatively associated with a maker (Fig 1, Col 2, Lines 34-41) for receiving beverage (Col 2, Lines 34-41, coffee) produced by the maker (Fig 1, Col 2, Lines 34-41); the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) including a reservoir defining a cavity for receiving beverage from the maker (Fig 1, Col 2, Lines 34-41) and retaining the beverage (Col 2, Lines 34-41, coffee) therein; and a temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) operatively associated with at least a dispenser (Fig 1, Item 13, Col

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2, Lines 34-41), a heater (Fig 1, Item 14, Col 4, Lines 23-34) of the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) being controllably activated and deactivated to control the temperature of the beverage (Fig 4, Col 4, Lines 25-34 & Col 1, Lines 43-47) retained in the dispenser (Fig 1, Item 13, Col 2, Lines 34-41), the temperature control system receiving information relating to the operation of the heater, the information defining heater activation and deactivation (Col 1, Lines 43-47 & Col 4, Lines 25-34).

34. Regarding claim 33, Chung teaches further comprising the beverage maker (Fig 1, Col 2, Lines 34-41) including a water delivery system (Fig 1, Item 18, Col 2, Lines 42-48), an ingredient holder selectively couplable (Fig 1, Item 12, Col 2, Lines 34-41) to the beverage maker for retaining a quantity of beverage preparation substance (Col 2, Lines 42-48, coffee grounds) therein, water from the water delivery system being dispensed into the ingredient holder for combining water with the beverage making substance (Col 2, Lines 42-48) to produce a beverage for dispensing into the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41).

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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36. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

37. Claims 4, 5, 17-23, 27-31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US Patent 5,549,035) as applied to claims 1, 16 & 24, in view of Hart (US Patent 6,089,409).

38. Regarding claim 4, Chung teaches further comprising the heater being an active heating device (Fig 1, Items 14, Col 2, Lines 34-41). Chung does not teach where the heater is at least partially extending into the chamber of the beverage server.

39. In analogous art of beverage server, Hart discloses where the heater (Figs 3 & 4, Item 72, Col 4, Lines 59-67) is at least partially extending into the chamber (Fig 3, Item 38, Col 3, Lines 45-48) of the beverage server (Fig 3, Item 20, Col 3, Lines 4-6) for the benefit of conducting heat through the reservoir wall to the beverage retained therein (Col 4, Lines 59-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater position of Hart for the benefit of conducting heat through the reservoir wall to the beverage retained therein.

40. Regarding claim 5, Chung teaches further comprising the heater being an active heating device (Fig 1, Items 14, Col 2, Lines 34-41). Chung does not teach where the

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heater is at least partially extending into the chamber of the beverage server and being positioned external to the reservoir. In analogous art of beverage server, Hart discloses where the heater (Figs 3 & 4, Item 72, Col 4, Lines 59-67) is at least partially extending into the chamber (Fig 3, Item 38, Col 3, Lines 45-48) of the beverage server (Fig 3, Item 20, Col 3, Lines 4-6) and being positioned external to the reservoir (Fig 3, Item 30, Col 3, Lines 10-15) for the benefit of conducting heat through the reservoir wall to the beverage retained therein (Col 4, Lines 59-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater position of Hart for the benefit of conducting heat through the reservoir wall to the beverage retained therein.

41. Regarding claim 17, Chung teaches preheating (Col 1, Lines 43-47) the surface (Fig 2, Item 22, Col 2, Lines 52-55) of the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) which contacts a beverage (Col 2, Lines 34-41, coffee) disposed in the dispenser. Chung does not teach preheating prior to dispensing beverage into the dispenser. In analogous art of beverage server, Hart discloses preheating prior to (Col 5, Lines 55-63) dispensing beverage into the dispenser (Fig 3, Item 30, Col 5, Lines 55-63) for the benefit of preventing sinking of heat from a beverage subsequently deposited therein (Col 5, Lines 55-63). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the preheating sequence of Hart for the benefit of preventing sinking of heat from a beverage subsequently deposited therein.

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42. Regarding claim 18, Chung teaches further comprising the step of continuing to preheat (Col 1, Lines 43-47) the surface of the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) until at least a predetermined temperature is achieved (Col 3, Lines 35-43, temperature of 98° C) for dispensing beverage (Col 2, Lines 34-41, coffee) into the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41).

43. Regarding claim 19, Chung teaches further comprising the step of maintaining the heating of the beverage dispenser for at least a portion of the time (Col 4, Lines 25-29) during which a beverage (Col 2, Lines 34-41, coffee) is dispensed into the container (Fig 1, Item 13, Col 2, Lines 34-41).

44. Regarding claim 20, Chung teaches further comprising the steps of continuing to heat the beverage dispenser throughout a period of time during which beverage is dispensed into the dispenser (Col 4, Lines 13-21); and deactivating heating of the beverage dispenser after dispensing of beverage into the dispenser had ceased (Col 4, Lines 22-24).

45. Regarding claim 21, Chung teaches further comprising the steps of defining a dispense period during which a beverage in the dispenser can be dispensed from the dispenser (Col 3, Lines 49-60); terminating heating of the beverage after the expiration of the heating time and before the end of the dispense time (Col 4, Lines 20-25). Chung does not teach calculating a heating time during which heat can be applied to the beverage without significant alteration of the characteristics of the beverage; and heating the beverage until expiration of the heating time. In analogous art of beverage server, Hart discloses calculating a heating time during which heat can be applied to the

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beverage without significant alteration of the characteristics of the beverage (Col 2, Lines 5-15); and heating the beverage until expiration of the heating time (Col 6, Lines 8-20) for the benefit of serving coffee or other brewed beverages during which the flavor characteristics are optimal (Col 2, Lines 5-7). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heating time of Hart for the benefit of serving coffee or other brewed beverages during which the flavor characteristics are optimal.

46. Regarding claim 22, Chung teaches further comprising the steps of activating the heater to heat the beverage for a period proximate to a start of the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44); deactivating the heating during the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44); activating the heater for at least one more time period before expiration of the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44). Chung does not teach calculating a heating time during which the beverage in the dispenser is heated. In analogous art of beverage server, Hart discloses calculating a heating time during which the beverage in the dispenser is heated (Col 2, Lines 5-15) for the benefit of serving coffee or other brewed beverages during which the flavor characteristics are optimal (Col 2, Lines 5-7). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heating time of Hart for the benefit of serving coffee or other brewed beverages during which the flavor characteristics are optimal.

47. Regarding claim 23, Chung teaches further comprising the step of activating the heater for an initial heating period before initiation of each subsequent heating periods

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(Col 1, Lines 43-47 & Col 3, Lines 35-44), the initial heating period generally being of a duration which is greater than each duration of the subsequent heating period (Col 1, Lines 43-47 & Col 3, Lines 35-44), deactivating the heater after the initial heating period and prior to activation of the heater in subsequent heating periods (Col 1, Lines 43-47 & Col 3, Lines 35-44).

48. Regarding claim 27, Chung does not teach further comprising the dispenser being a thermally insulated beverage server. In analogous art of beverage server, Hart discloses further comprising the dispenser being a thermally insulated (Fig 3, Item 40, Col 3, Lines 48-53) beverage server for the benefit of preventing heat from escaping and retaining beverage heat within the reservoir (Col 3, Lines 62-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the thermally insulated beverage server of Hart for the benefit of preventing heat from escaping and retaining beverage heat within the reservoir.

49. Regarding claim 28, Chung does not teach further comprising the heater being carried on the dispenser. In analogous art of beverage server, Hart discloses further comprising the heater (Fig 3, Item 72, Col 4, Lines 60-67) being carried on the dispenser (Fig 3, Item 20, Col 3, Lines 44-46) for the benefit of conducting heat through the reservoir wall to the beverage retained therein (Col 4, Lines 44-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater position of Hart for the benefit of conducting heat through the reservoir wall to the beverage retained therein.

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50. Regarding claim 29, Chung does not teach further comprising the temperature control system being carried on the dispenser. In analogous art of beverage server, Hart discloses further comprising the temperature control system (Fig 3, Items 72, 74 & 76, Col 5, Lines 5-10) being carried on the dispenser (Fig 3, Item 20, Col 3, Lines 44-46) for the benefit of controlling the operation of the heater (Col 3, Lines 5-10). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the temperature control system position of Hart for the benefit of controlling the operation of the heater.

51. Regarding claim 30, Chung teaches further comprising the dispenser being a generally non-insulated server (Fig 1, Item 13, Col 2, Lines 34-41).

52. Regarding claim 31, Chung teaches further comprising the heater (Fig 1, Item 14, Col 4, Lines 23-34) being positioned on the beverage maker (Fig 1, Col 2, Lines 34-41) for providing controllable heating (Fig 2, Item 17 & 100, Col 3, Lines 1-5) of the generally non- insulated server (Fig 1, Item 13, Col 2, Lines 34-41).

53. Regarding claims 34 and 35, Chung does not teach further comprising an indicator carried on the maker and coupled to the temperature control system, the indicator being activated upon deactivation of the heater. In analogous art of beverage server, Hart discloses further comprising an indicator (Fig 3, Item 90, Col 6, Lines 8-22) carried on the maker (Claim 34) or server (Claim 35) (Fig 3, Item 20, Col 3, Lines 44-46) and coupled to the temperature control system, the indicator being activated upon deactivation of the heater (Col 6, Lines 38-52) for the benefit of indicating that the serving life of the beverage retained in the reservoir has achieved its predetermined

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maximum (Col 6, Lines 15-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the indicator light of Hart for the benefit of indicating that the serving life of the beverage retained in the reservoir has achieved its predetermined maximum.

54. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US Patent 5,549,035) in view of Hart (US Patent 6,089,409) as applied to claims 1 & 4, further in view of Carpiac (US Patent 4,470,999).

55. Regarding claim 6, Chung teaches further comprising the heater being an active heating device (Fig 1, Items 14, Col 2, Lines 34-41). Chung does not teach where the heater is at least partially extending into the chamber of the beverage server and at least partially extending into the cavity of the reservoir. In analogous art of beverage server, Hart discloses where the heater (Figs 3 & 4, Item 72, Col 4, Lines 59-67) is at least partially extending into the chamber (Fig 3, Item 38, Col 3, Lines 45-48) of the beverage server (Fig 3, Item 20, Col 3, Lines 4-6) for the benefit of conducting heat through the reservoir wall to the beverage retained therein (Col 4, Lines 59-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater position of Hart for the benefit of conducting heat through the reservoir wall to the beverage retained therein. Chung in view of Hart does not teach where the heater at least partially extending into the cavity of the reservoir. In analogous art of high speed, high volume coffee making apparatus and method, Carpiac discloses where the heater (Fig 1, Item 58, Col 4, Lines 45-48) at least partially extending into the cavity of the reservoir (Fig 1, Item 14, Col 4, Lines 45-

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51) for the benefit of heating the concentrate (Col 4, Lines 45-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung and Hart with the heater location of Carpiac for the benefit of heating the concentrate.

56. Claims 7, 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US Patent 5,549,035) as applied to claims 1 & 24, in view of Lassota (US Patent 6,543,335)

57. Regarding claim 7, Chung teaches further comprising the heater being an active heating device (Fig 1, Items 14, Col 2, Lines 34-41). Chung does not teach where the heater is positioned external to the server housing. In analogous art of brewing system with electrical controller and method, Lassota discloses where the heater (Figs 6A & 6B, Item 154, Col 10, Lines 1-10) is positioned external to the server housing (Figs 1A, Items 30A & 30B, Col 10, Lines 1-10) for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater location of Lassota for the benefit of forming a brewer that is self-contained.

58. Regarding claim 14, Chung teaches a temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) for controlling the temperature (Fig 1, Item 17, Col 3, Lines 1-5 & Abstract, Lines 1-7) of beverages (Col 2, Lines 34-41, coffee) contained in the server (Fig 1, Item 13, Col 2, Lines 34-41). Chung does not teach the temperature control system being carried on the remote dispensing system. In analogous art of brewing

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system with electrical controller and method, Lassota discloses the temperature control system (Figs 6A & 6B, Item 158, Col 10, Lines 22-27) being carried on the remote dispensing system (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10) for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the control system location of Lassota for the benefit of forming a brewer that is self-contained.

59. Regarding claim 26, Chung teaches providing at least one of power and temperature control (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) to the dispenser (Fig 1, Item 13, Col 2, Lines 34-41) for controlling the temperature (Fig 1, Item 17, Col 3, Lines 1-5 & Abstract, Lines 1-7) of the beverage (Col 2, Lines 34-41, coffee) retained in the dispenser (Fig 1, Item 13, Col 2, Lines 34-41). Chung does not teach further comprising a remote dispensing station, the remote dispensing station being separate from the beverage maker and receiving the dispenser thereon. In analogous art of brewing system with electrical controller and method, Lassota discloses further comprising a remote dispensing station (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10), the remote dispensing station being separate from the beverage maker (Figs 6A & 6B, Item 158, Col 10, Lines 22-27) and receiving the dispenser thereon for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the

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remote dispensing station of Lassota for the benefit of forming a brewer that is self-contained.

60. Claims 12, 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US Patent 5,549,035) as applied to claims 1, 11 & 23-25, in view of Lassota (US Publication 2002/0083840).

61. Regarding claim 12, Chung does not teach further comprising memory coupled with the controller for saving a plurality of temperature control information. In analogous art of self-heating hot beverage serving urn and method, Lassota discloses further comprising memory (Pg 2, 0030, data memory) coupled with the controller (Fig 1, Item 29, Pg 2, 0030) for saving a plurality of temperature control information (Pg 2, 0030) for the benefit of storing programmable parameter information and sensory input data (Pg 2, 0030). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the memory of Lassota for the benefit of storing programmable parameter information and sensory input data.

62. Regarding claim 25, Chung does not teach further comprising the temperature control system including memory for at least one set of information relating to heater activation and deactivation periods. In analogous art of self-heating hot beverage serving urn and method, Lassota discloses further comprising the temperature control system (Fig 1, Item 29, Pg 2, 0030) including memory (Pg 2, 0030, data memory) for at least one set of information relating to heater activation and deactivation periods for the benefit of storing programmable parameter information and sensory input data (Pg 2, 0030). It would have been obvious to one having ordinary skill in the art at the time of

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the invention to combine the teachings of Chung with the memory of Lassota for the benefit of storing programmable parameter information and sensory input data.

63. Regarding claim 36, Chung teaches further comprising a plurality of information relating to heater activation and deactivation (Col 1, Lines 43-47 & Col 3, Lines 35-44) at least one set of information relating to different temperature levels (Fig 1, Item 100, Col 3, Lines 1-7) as well as activation and deactivation periods (Col 3, Lines 35-44).

64. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US Patent 5,549,035) in view of Hart (US Patent 6,089,409) as applied to claims 24 & 30, further in view of Lassota (US Patent 6,543,335).

65. Regarding claim 32, Chung teaches a generally non-insulated server (Fig 1, Item 13, Col 2, Lines 34-41) and controllably activating and deactivating the heater (Col 1, Lines 43-47). Chung does not teach further comprising a remote dispensing station, the heater being positioned at the remote dispensing station for heating the server, the temperature control system being carried on the remote dispenser station.

66. In analogous art of beverage server, Hart discloses the heater (Fig 3, Item 72, Col 4, Lines 60-67) being positioned at the dispensing station (Fig 3, Item 20, Col 3, Lines 44-46) for heating the server, the temperature control system (Fig 3, Items 72, 74 & 76, Col 5, Lines 5-10) being carried on the dispenser station (Fig 3, Item 20, Col 3, Lines 44-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung with the heater position of Hart for the benefit of conducting heat through the reservoir wall to the beverage retained therein (Col 4, Lines 44-46). It would have been obvious to one having ordinary skill in

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the art at the time of the invention to combine the teachings of Chung with the temperature control system position of Hart for the benefit of controlling the operation of the heater (Col 3, Lines 5-10). Chung in view of Hart further does not teach further comprising a remote dispensing station.

67. In analogous art of brewing system with electrical controller and method, Lassota discloses further comprising a remote dispensing station (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10) for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Chung and Hart with the remote dispensing station of Lassota for the benefit of forming a brewer that is self-contained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Thurs, 8-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/THIEN TRAN/
Examiner, Art Unit 3742
3/9/2010

/Samuel M Heinrich/
Primary Examiner, Art Unit 3742